

IN THE CIRCUIT COURT OF THE EIGHTEENTH JUDICIAL CIRCUIT  
IN AND FOR SEMINOLE COUNTY, FLORIDA

STATE OF FLORIDA

VS.

CASE NO.: 2012-001083-CFA  
SA NO: 1712F04573

GEORGE ZIMMERMAN  
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**STATE'S MOTION TO LIMIT/EXCLUDE IMPROPER OPINION EVIDENCE**

The State of Florida, by and through the undersigned Assistant State Attorney, hereby files this Motion in the above-captioned proceeding.

Defendant has indicated via questioning in pretrial proceedings that he apparently intends to attempt to argue or introduce opinion testimony from one or more witnesses as to their opinion, prior to and/or after Defendant's arrest, as to his guilt or the propriety of his being criminally charged.

Such testimony (be it from Defendant's family members, civilians, or even law enforcement personnel) is improper. "[A] witness should not testify to the undisclosed intention or motive of a third person." Shiver v. State, 564 So.2d 1158, 1160 (Fla. 1<sup>st</sup> DCA 1990), quoting Branch v. State, 118 So. 13 (Fla.1928). Further, the Court should prohibit any witness from offering an opinion as to whether Defendant is guilty of the crimes charged; "a witness's opinion as to the guilt or innocence of the accused is not admissible." Bartlett v. State, 993 So.2d 157, 164 (Fla. 1<sup>st</sup> DCA 2008); Thomas v. State, 837 So.2d 443, 446 (Fla. 4th DCA 2002).

**CERTIFICATE OF SERVICE**

I HERBY CERTIFY that a copy of the foregoing has been furnished by email to Mark O'Mara, Esq., Don West, Esq., this 10<sup>th</sup> day of May, 2013.

ANGELA B. COREY  
STATE ATTORNEY

By: 

Bernardo de la Rionda  
Bar Number: 365841  
Assistant State Attorney